

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

CHAMBERS OF
SUE L. ROBINSON
CHIEF JUDGE

LOCKBOX 31
844 KING STREET
U.S.COURTHOUSE
WILMINGTON, DELAWARE 19801

JURY SELECTION BY STRUCK JUROR METHOD*

1. After the judge has read a summary of the case and the oath has been administered to the venire panel, the judge will pose the questions agreed upon by counsel.

2. Those panel members who respond affirmatively to any question are identified by their juror numbers and, upon the conclusion of the voir dire, are called (one by one) to a sidebar conference with the judge and counsel. Counsel are given the opportunity at this time to ask further questions of the responding panel members.

3. After all the responding panel members have been questioned, those panel members who are excused for cause will have their juror numbers removed from the pool.

4. The juror numbers of the remaining panel members will be placed into a container. For a typical civil case (one with two parties and scheduled to last two weeks or less), 14 juror numbers (representing 14 of the remaining panel members) will be drawn randomly from the container and listed in the order drawn. Cases with more than two parties (i.e., more than six peremptory challenges) or which require more jurors because of trial length or complexity will require a larger pool than 14.

5. The selected panel members are seated in the jury box in the order drawn. Counsel are then given the opportunity to exercise their peremptory challenges (typically three per party). The process begins with the clerk presenting to plaintiff's counsel the list. Plaintiff's counsel may strike (by drawing a line through the name of) any one of the potential jurors. The clerk next presents the list to defendant's counsel, and the process continues until each party has either exhausted or waived their challenges. **Note: Once a party has indicated satisfaction with the remaining jurors on the list (i.e., all of the jurors on the list, not just with the first eight) by not using a challenge, it has waived its opportunity to further challenge the membership of the panel by striking any other juror.**

6. The first eight panel members who have not had their names struck shall constitute the petit jury, with all jurors deliberating.

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JURY SELECTION BY STRUCK JUROR METHOD cont.

7. The panel members who are not selected are excused. The panel members selected are administered their oath.

8. The judge will read preliminary jury instructions. After a short break to allow the jurors to call family members and employers, opening statements will proceed.

9. This process typically takes no more than 60 minutes.

*** Amended June 5, 2001**